REMARKS

Reconsideration of the rejections contained in the Office Action is respectfully requested.

Claim Objections

The Examiner objected to claims 1-2, 5, 8, 12, and 12-15. Applicants have amended the claims to overcome this objection and respectfully request that it be withdrawn.

Rejection under 35 USC 112

Claims 1-2 and 5 were rejected under 35 USC 112, second paragraph, as indefinite. Applicants have amended the claims to overcome this rejection and respectfully request that it be withdrawn.

Rejection under 35 USC 102 and 103

Claims 1, 8, and 12-14 were rejected under 35 USC 102 as anticipated by Wilford (U.S. Patent No. 6,968,392). Claims 2 and 10 were rejected under 35 USC 103 over Wilford in view of Donati (U.S. Patent No. 7,007,099). Claims 5 and 15 were rejected under 35 USC 103 as unpatentable over Wilford in view of Dugatkin (U.S. Patent Application Publication No. 2004/0236866). These rejections are respectfully traversed in view of the amendments to the claims and the following arguments.

Wilford teaches a system in which a stats collection module periodically collects statistics associated with each logical connection identifier. (Wilford at Col. 8, lines 13-15 "CPU 302 may poll each stat in stats memory 310 at regular intervals to collect the stats for each connection…"). Wilford further teaches that, if one of the stats counters is close to overflowing, an interrupt can be used to cause the stats collection module to read that counter out of order. (Wilford at Col. 8, lines 15-17: "[CPU] may poll stats for the connections out of order based on a received interrupt from FIFO control unit 308 via interrupt signal line 306.").

Wilford is thus using interrupts to prioritize counters that are in danger of overflowing while periodically collecting statistics from all of the counters. There is no guarantee that the other counters (those not identified by the interrupt) will contain significant information. Stated differently, since Wilford is polling all of the counters periodically, Wilford is likely to collect statistics from counters that have little statistical information. Although the interrupts will allow

a counter to temporarily be taken out of order, the remainder of the counters will be read according to a schedule, i.e. periodically, regardless of the fullness level of those counters.

Applicants, by contrast, use ripeness indicators to determine which counters should be read and which counters have insufficient information and, hence, should be skipped. Wilford provides a way for full counters to be prioritized because of the urgency of reading those counters, but does not teach or suggest a system that will allow the network element to know which counters should be skipped. By knowing which counters to be skipped, applicants are able to operate more efficiently by only gathering stats from counters that have useful information.

Donati was cited as teaching the use of a bit array. However, even if Donati does teach an array of bits, combining Donati with Wilford would not fix this underlying deficiency in Wilford. Specifically, Wilford is able to prioritize counters that are in danger of overflowing by using interrupts. Using Donati's bit array, Wilford could use a bit array to identify the counters that caused the interrupt. However, the combination of Donati and Wilford would not teach or suggest that the network device should look to see not only which counters should be read, but which should not be read. Neither reference teaches or suggests this aspect, and accordingly applicants respectfully submit that the claims would not have been obvious over the combination of Wilford and Donati.

Likewise, Dugatin was cited as teaching dynamically adjusting thresholds. However, Dugatin fails to make up the deficiencies of Wilford. Hence, applicants likewise respectfully submit that the addition of Dugatin to the combination of Wilford and Donati would not render the claims obvious.

Applicants have amended the independent claims to emphasize that only counters identified by the ripeness indicators as having fullness levels above respective thresholds are harvested by the network device and that counters not identified as having fullness levels above respective thresholds are skipped and not harvested by the network device. This focuses on the fact that applicants are able to skip counters that have insufficient meaningful statistical information, whereas Wilford is only able to prioritize counters that are in danger of running over. Unlike the instant application, Wilford cannot determine which counters to skip. In view of these amendments and the preceding arguments, applicants therefore respectfully request that the rejection under 35 USC 103 be withdrawn.

Conclusion

Applicants respectfully submit that the application is in condition for allowance and an action to this effect is respectfully requested. If there are any questions or concerns regarding the amendments or these remarks, the Examiner is requested to telephone the undersigned at the telephone number listed below.

Extension of Time

Applicant requests a two month extension of time to respond to the Office Action, the fee for which is being paid concurrently herewith. If any additional fees are due in connection with this filing, the Commissioner is hereby authorized to charge payment of the fees associated with this communication or credit any overpayment to Deposit Account No. 502246 (Ref. 909402-US-NP).

Respectfully Submitted

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